

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES, )  
                    )  
Plaintiff,       )  
                    )  
v.                )  
                    )  
NANCY ZAK,       ) Case No. 1:18-cv-05774-AT  
CLAUD CLARK III, )  
ECOVEST CAPITAL, INC., )  
ALAN N. SOLON,    )  
ROBERT M. MCCULLOUGH, and )  
RALPH R. TEAL, JR., )  
                    )  
Defendants.       )

**[PROPOSED ORDER OF] FINAL JUDGMENT OF PERMANENT  
INJUNCTION AGAINST DEFENDANT NANCY ZAK**

Plaintiff United States and Defendant Nancy Zak have filed a joint motion for entry of final judgment that resolves all of the United States' claims against Nancy Zak in this case. Pursuant to Fed. R. Civ. P. 54(b), and because there is no just reason for delay, the Court grants that motion and enters final judgment as set forth below.

**PERMANENT INJUNCTION AGAINST NANCY ZAK**

A. This Court has personal jurisdiction over Nancy Zak. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1340 and 1345 and 26 U.S.C. §§ 7402, 7407, and 7408.

B. Without admitting any of the allegations in the complaint, Nancy Zak has consented to the entry of this injunction.

C. Pursuant to 26 U.S.C. §§ 7402, 7407, and 7408, Nancy Zak is permanently barred from directly or indirectly:

1. organizing, promoting, or selling (or assisting in the organization, promotion, or sale of) any plan or arrangement that involves a deduction for a qualified conservation contribution under 26 U.S.C. § 170(h), including, but not limited to, any transaction described in IRS Notice 2017-10;

2. participating (directly or indirectly) in the sale of any conservation easement syndicate or any other plan or arrangement that involves a deduction for a qualified conservation contribution under 26 U.S.C. § 170(h), including, but not limited to, any transaction described in IRS Notice 2017-10;

3. making or furnishing (or causing another to make or furnish) a statement about the allowance of any federal tax benefit as a result of participating in a conservation easement syndicate or any other plan or arrangement that involves a deduction for a qualified conservation contribution under 26 U.S.C. § 170(h), including, but not limited to,

any transaction described in IRS Notice 2017-10, which she knows or has reason to know is false or fraudulent as to a material matter;

4. facilitating for compensation any donation that is intended to qualify as a qualified conservation contribution under 26 U.S.C. § 170(h), including, but not limited to, any transaction described in IRS Notice 2017-10;

5. preparing (or assisting in the preparation of) any federal tax return, or any document that may be filed in support of a tax return or other submission to the IRS claiming benefits resulting from a qualified conservation contribution under 26 U.S.C. § 170(h), including, but not limited to, Forms 8283 (appraisal summaries) and attachments or qualified appraisals; and

6. representing any individual before the IRS with respect to any donation that is intended to qualify as a qualified conservation contribution under 26 U.S.C. § 170(h), including, but not limited to, any transaction described in IRS Notice 2017-10.

D. Pursuant to 26 U.S.C. § 7402(a), Ms. Zak shall, by February 28th each year for each of the next 6 years, sign a declaration under penalties of perjury affirming that she has not engaged in any of the conduct identified above in paragraph C during the prior calendar year. Ms. Zak shall send that declaration to

the following two recipients at the following addresses (unless notified of new addresses):

Internal Revenue Service  
Lead Development Center Stop MS5040  
24000 Avila Road  
Laguna Niguel, CA 92677

Department of Justice, Tax Division  
Civil Trial Section, Central Region  
P.O. Box 7238  
Ben Franklin Station  
Washington, D.C. 20044

E. Pursuant to 26 U.S.C. § 7402(a), Nancy Zak shall, no later than 30 days from the date the Final Judgment of Permanent Injunction is entered in this case, contact by mail (and also by e-mail, if an e-mail address is known) all persons who purchased an interest in a conservation easement syndicate during the past 10 years that Nancy Zak promoted, organized, sold (or assisted with the promotion, organization, and sale of) or otherwise facilitated, and provide such persons with a copy of the Final Judgment of Permanent Injunction. Ms. Zak shall also provide to counsel for the United States, within 30 days of the Court's judgment, a signed and dated certified mail receipt from the USPS and copies of the USPS electronic verification, for each person who was mailed such copy. Except for the Final Judgment of Permanent Injunction, no additional materials

may be included in the notification to the purchasers unless approved by the United States or the Court.

F. Pursuant to 26 U.S.C. § 7402(a), Nancy Zak shall, within 30 days of entry of the Final Judgment of Permanent Injunction in this case, provide a copy of the Final Judgment of Permanent Injunction in this case to all employees, independent contractors, agents, directors, and officers during the past 10 years of any entities owned or controlled by Ms. Zak which promoted, facilitated or were involved with completed conservation easements, and provide to counsel for the United States, within 90 days of the Court's entry of final judgment a signed and dated certified mail receipt from the USPS and copies of the USPS electronic verification, for each person who was mailed such copy. Except for the Final Judgment of Permanent Injunction, no additional materials may be included in the notification to the employees, independent contractors, agents, directors, and officers unless approved by the United States or the Court.

G. Pursuant to 26 U.S.C. § 7402(a), Nancy Zak shall, within 14 days of entry of the Final Judgment of Permanent Injunction in this case, prominently display a copy of the Final Judgment of Permanent Injunction on the front page and every subpage of all websites Nancy Zak controls or maintains that contain (or contained) information about conservation easements, and any website on which Nancy Zak advertises or markets conservation easements.

H. Pursuant to 26 U.S.C. § 7402(a), Nancy Zak shall, within 90 days of entry of the Final Judgment of Permanent Injunction in this case, file with the Court a certification signed under penalty of perjury that she has complied with paragraphs E, F, and G above.

I. Nancy Zak shall not make any statements, written or verbal, or cause or encourage others to make any statements, written or verbal, that misrepresent any of the terms of the Final Judgment of Permanent Injunction in this case.

J. This Court shall retain jurisdiction over this action to allow the United States full post-judgment civil discovery to monitor Nancy Zak's compliance with the Final Judgment of Permanent Injunction in this case.

SO ORDERED ON:

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**AMY TOTENBERG**  
**United States District Judge**

Approved as to form and substance:

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